

Jun 30, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES R.,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:20-cv-5237-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On June 30, 2021, the parties filed a Stipulated Motion for Remand, ECF No. 20. The parties agree the matter should be reversed and remanded to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.
2. Judgment shall be entered for **Plaintiff**.
3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for a *de novo* hearing and a new decision by an

1 administrative law judge (ALJ) pursuant to sentence four of 42
2 U.S.C. § 405(g). The Appeals Council is to instruct the ALJ to:

- 3 • obtain medical expert evidence regarding the nature and
4 severity of Plaintiff's impairments
- 5 • re-evaluate Plaintiff's drug and/or alcohol use pursuant to Social
6 Security Ruling (SSR) 13-2p
- 7 • re-evaluate the medical opinion evidence
- 8 • reconsider Plaintiff's subjective symptom testimony
- 9 • further assess Plaintiff's residual functional capacity in
10 accordance with SSR 96-8p and
- 11 • if warranted, obtain vocational expert evidence to clarify the
12 effect of the assessed limitations on Plaintiff's ability to perform
13 other work.

14 4. All pending motions are **DENIED AS MOOT**, all hearings and other
15 deadlines are **STRICKEN**, and this file shall be **CLOSED**.

16 5. If filed, the Court will consider Plaintiff's motion for fees and
17 expenses under the Equal Access to Justice Act.

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
19 and provide copies to all counsel.

20 **DATED** this 30th day of June 2021.

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22 EDWARD F. SHEA
23 Senior United States District Judge
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